

**Executive vs. Legislative Power****Showdown Is Nearing  
In Otepka Dismissal**By Murrey Marder  
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CPYRGHT

Both sides are reeling from heavy salvos fired in the bureaucratic war between the State Department and the Senate Internal Security Subcommittee over the Otto F. Otepka case.

No one can be sure how many casualties and powder burns there will be before the smoke clears away.

But what began as a skirmish over congressional testimony of State Department employees, is now a showdown between the Executive and Legislative branches of government.

President Kennedy is known to be personally concerned

about the affair. It could have morale and political consequences for his Administration.

The State Department confirmed yesterday that two officials have been placed on "administrative leave" after acknowledging that an eavesdropping "bug" was briefly placed last March in the office of security evaluator Otepka.

Otepka at the time was suspected of slipping information to the Subcommittee Counsel, J. G. Sourwine. Last Tuesday, Otepka was dismissed by the Department

subject to rights of appeal, after being under suspension since Sept. 23.

**Leaves Ordered**

By "mutual consent," State Department officials said yesterday, leave has been ordered for Deputy Assistant Secretary of State for Security John F. Reilly, and the chief of Reilly's Division of Technical Services, Elmer D. Hill.

Their leave will continue, the Department spokesman said, "while we are looking into" the affair.

Sen. Thomas J. Dodd (D-Conn.), vice chairman of the Senate Subcommittee, said yesterday, "This is a shocking matter." He said three officials of the State Department admitted, "in effect, that they lied under oath to a Senate committee." Dodd said "These are the fellows the State Department should prefer charges against, not Otepka."

**Meeting on Tuesday**

Dodd said a meeting of the Subcommittee's parent body, the Senate Judiciary Committee, is scheduled Tuesday to consider the Otepka case and related matters.

The three officials he said should be charged were Reilly, Hill, and David I. Belisle, special assistant to Reilly. Belisle has stated he was in Costa Rica when a listening device was placed in Otepka's office. Last July, first Hill, then Belisle and Reilly, denied any knowledge of the installation of the device. Last Wednesday, all sent statements to the Subcommittee, revising their testimony.

Hill said he helped install the listening device at Reilly's request to test its effectiveness, but it proved inadequate and was removed after a test. Next day, said Reilly, the contents of a "bag of Mr. Otepka's trash . . . revealed that Mr. Otepka had furnished certain material to Mr. Sourwine."

**Dispute an Old One**

Behind the whole affair is a running dispute between the Department and the Internal Security Subcommittee that has roots in the loyalty-security head-hunting days of the late Sen. Joseph R. McCarthy (R-Wis.).

Subcommittee charges that the State Department was publicly veered into the Otepka affair last September. Otep-

ka, among other things, was charged with leaking to the Subcommittee information from loyalty files that can be released only with personal approval by the President, because of the damaging character of such information.

Otepka, in his defense, claimed a "higher loyalty," to tell the truth, overriding the "letter" of any regulations.

Several Senators on the Subcommittee publicly and privately warned the State Department against proceeding with the Otepka charges. Dodd called Otepka "the last old-line security officer holding a top position in the Office of Security."

Last Tuesday, the State Department sustained all its original charges, dismissing Otepka from his \$16,900-a-year post. He has until next Friday to file an appeal.

**Dismissal Deplored**

That same day, Tuesday, Dodd took the Senate floor to deplore Otepka's dismissal. He served public notice that the Subcommittee had evidence of "wilful misstatements" or "untruths" under oath about placement of a listening device in Otepka's office. Next day, the Hill, Reilly, Belisle statements were submitted to the Subcommittee.

The difficulty now confronting Hill and Reilly in the Department is not the use of a listening device, but the contradictions in their testimony.

Reilly is a career Government employee, who previously served in the internal security division of the Justice Department. But Hill, who was first to testify in the affair, and whose testimony was backed up by Reilly, his superior, is a newcomer to Government. He came to the Department about a year ago as an electrical engineer at the Stanford Research Center in California.